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**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:01-cv-00371-HG-LK**

Tung v. Immigration and
Assigned to: JUDGE HELEN GILLMOR
Referred to: JUDGE LESLIE E xKOBAYASHI
Demand: \$0
Case in other court: HI, 1:01-cv-00111
Cause: 05:552 Freedom of Information Act

Date Filed: 06/06/2001
Date Terminated: 03/25/2002
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Vichai Sae Tung
also known as
Chai Chaowasaree

represented by **Lex R. Smith**
Kobayashi Sugita & Goda
First Hawaiian Center
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Immigration and Naturalization
Service, United States**
*Immigration and Naturalization Service of
the United States*

represented by **Robert P. Morean**
Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Blvd Ste 6100
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541-2850
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Date Filed	#	Docket Text
06/06/2001	1	COMPLAINT; exhibits a-d; (Summons(es) issued) (eps) (Entered: 06/07/2001)
06/06/2001	2	ORDER by Judge David A. Ezra rule 16 conference set for 9:00 9/17/01 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/07/2001)
06/06/2001	3	Amended SUMMONS issued as to defendant Immigration and (eps) (Entered: 06/07/2001)
07/05/2001	4	AFFIDAVIT of Lex R. Smith re: service upon the United States Attorney for the District of Hawaii, Attorney General of the U.S. and deft Immigration and Naturalization Service of the United States; exhibits a-c; and certificate of service - SERVICE OF COMPLAINT AND SUMMONS AND AMENDED SUMMONS executed upon deft thru service upon: (1) U.S. Attorney for District of Hawaii thru service upon Stephen Lehto, receptionist (2) Attorney General of the U.S. John Ashcroft via certified mail 06/07/01; RRR: 06/12/01 and upon (3) Donald A. Radcliffe, District Director INS via certified mail 06/07/01; RRR: 06/08/01 (afc) (Entered: 07/09/2001)
07/18/2001	5	ANSWER by defendant United States of America, Immigration and Naturalization Service to complaint; certificate of service [1-1] (afc) (Entered: 07/19/2001)
08/01/2001	6	EO: Discovery Conference set for 10:00 8/6/01 before Mag Judge Leslie E. Kobayashi ; Parties notified () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 08/03/2001)

08/06/2001	7	EO: Discovery Conference set for 10:00 8/6/01, LEK is vacated. Disclosures to be made by USA. Discovery Conference will be reset if necessary. () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 08/08/2001)
08/08/2001	8	NOTICE OF MOTION and motion by defendant for summary judgment ; memorandum in support of motion; declaration of Ms. Juney M. Ishida; exhibits a through e; certificate of service – set for 9:00 11/13/01 before Judge Helen Gillmor (afc) (Entered: 08/13/2001)
08/08/2001	9	CONCISE STATEMENT by defendant in support of motion for summary judgment [8–1]; certificate of service (afc) (Entered: 08/13/2001)
09/17/2001	10	SCHEDULING CONFERENCE STATEMENT; certificate of service – by defendant (afc) (Entered: 09/19/2001)
09/17/2001	11	EP: Rule 16 Scheduling Conference not held. Rule 16 Scheduling Conference is continued to 9:00 9/24/01 before Mag Judge Leslie E. Kobayashi (Ct Rptr: In Chambers–No Record) JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 09/19/2001)
09/21/2001	12	SCHEDULING CONFERENCE STATEMENT; certificate of service – by plaintiff (afc) (Entered: 09/24/2001)
09/21/2001	13	REPORT OF PARTIES PLANNING MEETING; certificate of service – by plaintiff (afc) (Entered: 09/24/2001)
09/24/2001	14	EP: Rule 16 Scheduling Conference held. 1. Non–jury trial on July 30, 2002 at 9:00.a.m. before HG 2. Final Pretrial Conference on June 18, 2002 at 9:00a.m. before LEK 3. Final Pretrial Conference before District Judge Helen Gillmor on July 19, 2002 at 8:30a.m. 4. Final Pretrial Statement by June 10, 2002 5. File motions to Join/Add Parties/Amend Pleadings by December 28, 2001 6. File other Non–Dispositive Motions by May 1, 2002 7. File Dispositive Motions by February 27, 2002 8a. File Motions in Limine by July 9, 2002 8b. File opposition memo to a Motion in Limine by July 16, 2002 11a. Plaintiff's Expert Witness Disclosures by January 28, 2002 11b. Defendant's Expert Witness Disclosures by February 27, 2002 12. Discovery deadline May 31, 2002 13. Settlement Conference on call 14. Settlement Conference statements N/A 20. Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by N/A 21. File Final witness list by July 9, 2002 24. Exchange Exhibit and Demonstrative aids by July 2, 2002 25. File Stipulations re: Authenticity/Admissibility of Proposed Exhibits by July 9, 2002 26. File objections to the Exhibits by July 16, 2002 28a. File Deposition Excerpt Designations by July 9, 2002 28b. File Deposition Counter Designations and Objections by July 16, 2002 29. File Trial Brief by July 16, 2002 30. File Findings of Fact & Conclusions of Law by July 16, 2002 Other Matters: LR 56.1 Memorandum given to parties. A copy of the Rule 16 Scheduling Order mailed to all parties. Status Conference on call. [rule 16 scheduling conference held on 9:00 9/24/01 before Mag Judge Leslie E. Kobayashi ; Non–Jury Trial set for 9:00 7/30/02 before Judge Helen Gillmor ; final pretrial conference set for 9:00 6/18/02 before Mag Judge Leslie E. Kobayashi ; Final Pretrial conference set for 8:30 7/19/02 before Judge Helen Gillmor ; Discovery ddl set for 5/31/02; Motion filing ddl set for 2/27/02 before Mag Judge Leslie E. Kobayashi (Ct Rptr: No Record) JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 09/26/2001)
09/26/2001	15	RULE 16 SCHEDULING ORDER Mag Judge Leslie E. Kobayashi (cc: all counsel) (afc) (Entered: 09/28/2001)
10/25/2001	16	NOTICE OF MOTION and CROSSMOTION by plaintiff for partial summary judgment ; memorandum in support of plaintiff's cross motion for partial summary judgment and in OPPOSITION to the Gov'ts motion for summary judgment; declaration of Lex R. Smith; exhibits a–g; certificate of service – set for 9:00 11/13/01 before Judge Helen Gillmor (afc) (Entered: 10/26/2001)
10/25/2001	16	MEMORANDUM by plaintiff in opposition to motion for summary judgment [8–1] (incorporated w/plt's cross motion for partial SJ) (afc) (Entered: 10/26/2001)
10/25/2001	17	SEPARATE CONCISE STATEMENT by plaintiff in opposition to defendant's motion for summary judgment [8–1], and in support of plaintiff's countermotion for partial summary judgment; certificate of service (afc) (Entered: 10/29/2001)

10/25/2001	17	Separate concise STATEMENT by plaintiff in support of motion for partial summary judgment [16-1] (afc) (Entered: 10/29/2001)
10/30/2001	18	Amended separate concise STATEMENT of facts by plaintiff in opposition to defendant's motion for summary judgment [8-1] and in support of plaintiff's counter motion for partial summary judgment [16-1]; certificate of service (fe) (Entered: 10/31/2001)
10/30/2001	19	EO : MINUTE ORDER On August 8, 2001, Defendant Immigration and Naturalization Service of the United States filed DEFENDANT'S MOTION FOR SUMMARY JUDGMENT and a CONCISE STATEMENT IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT. On October 25, 2001, Plaintiff Vichae Sae Tung (aka Chai Chaowasaree) filed a PLAINTIFF'S CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT; MEMORANDUM IN SUPPORT OF PLAINTIFF'S CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO THE GOVERNMENT'S MOTION FOR SUMMARY JUDGMENT and PLAINTIFF'S SEPARATE CONCISE STATEMENT OF FACTS IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF PLAINTIFF'S COUNTER MOTION FOR PARTIAL SUMMARY JUDGMENT. Plaintiff has failed to file a separate concise statement of facts in the form required by Local Rule 56.1. Specifically, Plaintiff has failed to respond to Defendant's Concise Statement of Facts. The Court refers Plaintiff to the Court's Memorandum Re: Compliance with Local Rule 56.1, which explains in detail the requirement of the rule, and gives specific examples of the proper format for a separate concise statement of facts. Due to the shortcomings in Plaintiff's concise statement of facts, the Court STRIKES PLAINTIFF'S SEPARATE CONCISE STATEMENT OF FACTS IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF PLAINTIFF'S COUNTER MOTION FOR PARTIAL SUMMARY JUDGMENT, filed on October 25, 2001. Plaintiff shall file a new concise statement of facts in accordance with Local Rule 56.1 by Thursday, November 1, 2001. Defendant's Reply shall be due by Tuesday, November 6, 2001. Fax: Lex R. Smith, Esq.; Theodore G. Meeker, Esq.; cc: Judge Gillmor's chambers re [16-1], re [8-1], [17-1], (Ct Rptr :) JUDGE Judge Helen Gillmor (eps) (Entered: 11/01/2001)
11/02/2001	20	REPLY MEMORANDUM by defendant Immigration and in support of defendant's motion for summary judgment [8-1] and in opposition to plaintiff's motion for summary judgment; certificate of service (eps) (Entered: 11/05/2001)
11/02/2001	21	RESPONSE to plaintiff's separate concise STATEMENT by defendant Immigration and of facts in opposition to defendant's motion for summary judgment and in support of plaintiff's counter motion for partial summary judgment [16-1]; certificate of service (eps) (Entered: 11/05/2001)
11/07/2001	22	EO :The hearing on Cross-motions for summary judgment set for November 13, 2001 @9:00 a.m. before the Honorable Helen Gillmor is vacated. The Court will decide the motions on the pleading without a hearing [16-1] [8-1]; cc: Lex R. Smith; Thomas A. Helper, Judge Gillmor's chambers (Ct Rptr :) JUDGE Judge Helen Gillmor (fe) (Entered: 11/08/2001)
11/07/2001	23	Reply MEMORANDUM by plaintiff Vichai Sae Tung in support of counter motion for partial summary judgment [16-1]; declaration of Lex R. Smith; exhibit a; certificate of service (fe) (Entered: 11/09/2001)
12/03/2001	24	ORDER requiring the Immigration and Naturalization Service to produce certain documents for in camera review by Judge Helen Gillmor [16-1] [8-1] – [INS shall provide the seven disputed documents for in camera review by Wednesday, 12/5/01; INS shall FILE the DOCUMENTS UNDER SEAL. The Clerk's Office is directed that the sealed documents filed by INS are for review by the Court and the INS only. THE DOCUMENTS SHALL NOT BE DISCLOSED TO THE PLAINTIFF] (cc: Robert P. Morean, Esq.; Lex R. Smith, Esq.; Immigration & Naturalization Service @ 595 Ala Moana Blvd., Hon. 96813) (afc) (Entered: 12/04/2001)
12/05/2001	25	NOTICE of submission of documents under seal; declaration of Thomas A. Helper; certificate of service – by defendant [24-1] [24-2] (afc) (Entered: 12/10/2001)

12/10/2001	26	EO: The hearing on Defendant's Motion for Summary Judgment and Plaintiff's Cross-Motion for Partial Summary Judgment was previously set for November 13, 2002 @ 9:00 a.m. before the Honorable Helen Gillmor. On November 7, 2001, the Court issued a Minute Order vacating the hearing. The Court's intent was to decide the motions on the pleadings without a hearing. After further review of the pleadings, the Court deems that a hearing is appropriate. The hearing is rescheduled to February 19, 2002 @ 9:00 a.m. cc: Lex R. Smith, Esq. Thomas A. Helper, Esq. Judge Gillmor's chambers [16-1] [8-1] () JUDGE Judge Helen Gillmor (afc) (Entered: 12/12/2001)
02/19/2002	27	EP: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [8-1]; PLAINTIFF'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT [16-1] – Arguments made (9:00 – 9:19 a.m.). Following oral arguments a SEALED HEARING was held in camera. Present were the Court, Court Reporter Stephen Platt, Law Clerk Cherry Tolliver, CRD David Hisashima, A.U.S.A. Michael Chun and INS Counsel Mary Reiko Osaka (9:21 to 10:15 a.m.). The motions have been taken under advisement. (Ct Rptr: Stephen Platt) JUDGE Judge Helen Gillmor (afc) (Entered: 02/21/2002)
02/25/2002	28	ORDER denying defendant's motion for summary judgment and granting in part and denying in part plaintiff's cross motion for partial summary judgment; exhibit A – by Judge Helen Gillmor [8-1][16-1] {exhibit A = documents which shall be disclosed} (cc: all counsel) (afc) (Entered: 02/25/2002)
03/25/2002	29	STIPULATION of dismissal with prejudice; ORDER by Judge Helen Gillmor – filed by plaintiff terminating case (afc) (Entered: 03/27/2002)